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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,427

02/18/2004

Kanada Nakayasu

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6701

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EXAMINER

TRAN, CONGVAN

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/782,427	Applicant(s) NAKAYASU, KANADA	
	Examiner CongVan Tran	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935.C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Jul. 07, 2007 has been entered.

Claim Objections

2. Claims 1-14 are objected to because of the following informalities: "radio line", "uplines" and "downline" should be changed to -radio link-, -uplink- and -downlink-. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 9-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ushirokawa et al. (5,621,764).

Regarding claims 1, 6, 9-10 and 14, Ushirokawa discloses a soft decision signal outputting receiver comprising a radio base station controller for performing at least a radio line control and a resource control for said radio base station, and at least a radio

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line control, a resource control and a bearer control for a mobile terminal (it is inherent in mobile telephone communication systems), wherein said radio base station controller comprises control means for controlling a communication quality between said radio base station and said mobile terminal on the basis of the information regarding the amount of interference from said radio base station, the information being based on a comparison result between a value of a radio quality and preset thresholds including a first threshold, a second threshold and a third threshold (see col.5-6, fig.1 element 13 and its description).

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 4, 8, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mc Cune, Jr. (6,850,736).

Regarding claims 4-5, 8, and 13, Mc Cune, Jr. discloses a method and apparatus reception quality indication in wireless communication comprising a radio base station controller for performing at least a radio line control and a resource control for a radio

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base station, and at least a radio line control, a resource control and a bearer control for a mobile terminal (it is inherent in mobile telephone communication system), wherein said radio base station controller comprises control means for controlling a communication quality between said radio base station and said mobile terminal on the basis of information regarding the amount of interference from said radio base station (see co.1-2, col.9-10), wherein said control means makes the high quality communication by maximizing a bearer required quality of said mobile terminal when said amount of interference is relatively small, and requests to degrade said bearer required quality to a needed minimum level in the order from the mobile terminal of lower service class during communication when said amount of interference is larger due to an increased number of users (see col.2, line 13, figs.6, 8-9, and its description).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushirokawa et al. (5,621,764) in view of Mc Cune, Jr. (6,850,736).

Regarding claims 2-3, 11, Ushirokawa discloses all the subject matters described in rejected claim 1, except for means for notifying the information regarding said amount of interference based on a comparison result between its measurement result and a preset threshold. However, Mc Cune, Jr. a method and apparatus reception quality

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indication in wireless communication comprising means for notifying the information regarding said amount of interference based on a comparison result between its measurement result and a preset threshold (see figs 3, 6 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Mc Cune, Jr.'s means for notifying the information in Ushirokawa's invention in order to indication of the strength signal.

Regarding claims 7, 12, Mc Cune, Jr. control means makes the communication by maximizing said communication quality when said amount of interference is small, and requests either said radio base station or said mobile terminal to degrade said communication quality when said amount of interference is large (see col.2, line 13, figs.6, 8-9, and its description)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



CongVan Tran
Primary Examiner
Art Unit 2617

Jul. 31, 2007.